

**REMARKS**

Applicant respectfully traverses the rejection of claims 1-21 under 35 U.S.C. 102(b) over US 5,552,995 to Sebastian ("Sebastian"). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a prior art reference. See M.P.E.P. § 2131. As recited in the present claims, e.g. amended independent claims 1, 2, 7, 9, 11-15, and 17-20, among other things, a shape model comprises a first reference surface, a combined shape model comprises a second reference surface, and a corresponding surface group to determine if there are errors in the combined shape model that are caused by the second reference surface. With regard to claims 1, 2, 7, 9, 11, 12, a control section is used to create the corresponding surface group in accordance with user input of a correspondence. With regard to claims 17-20, a module is used to create the corresponding surface group in accordance with user input of a correspondence. This claim language is supported at least in pg. 2, l. 28 to pg. 3, l. 9, pg. 26, ll. 9-24, pg. 27, l. 26 to pg. 30, l. 26 and Figs. 8A and 8B of the as-filed specification, and does not constitute new matter. In contrast, Sebastian does not disclose or suggest a shape model comprising a first reference surface, a combined shape model comprising a second reference surface, and a corresponding surface group to determine if there are errors in the combined shape model that are caused by the second reference surface. Instead, Sebastian discloses that a structure can be defined by reference to existing templates, but does not suggest that the structure may include a different reference surface from the existing templates or a control section configured to determine if there are errors in the structure arising from the different reference surface. Sebastian, therefore, does not disclose each and every element set forth in amended independent

claims 1, 2, 7, 9, 11-15, and 17-20, and at least for this reason, this reference does not anticipate either claims 1, 2, 7, 9, 11-15, and 17-20, or their corresponding dependent claims 3-6, 8, 10, 16 and 21.

In the Advisory Action dated April 7, 2009, the Examiner alleged that the Amendment submitted on March 31, 2009 appears to claim a control section that performs an error determination by creating a corresponding surface group, but the specification appears to teach that a human operator performs this step. The Applicant has added the language "in accordance with user input of a correspondence" to clarify what is being claimed.

In the Advisory Action, the Examiner further alleged that it is unclear whether the Applicant is claiming a separate step of determining an error and it is unclear what errors are to be found. Applicant disagrees with the Examiner's allegations. The Applicant is entitled to use broad claim terminology as long as the specification provides full enabling written support. The as-filed specification describes the use of the corresponding surface group to determine errors, and describes the types of errors that can be found, on pg. 27, l. 25 to pg. 30, l. 26.

In the Advisory Action, the Examiner further alleged that claims 12 and 13 contained typographical errors. Applicant traverses this assertion. Applicant has amended claim 13 to correct a minor oversight. Applicant searched for but found no typographical errors in claim 12, and requests the Examiner to identify specifically any such errors.

In view of the above amendments and remarks, Applicant requests reconsideration and allowance of claims 1-21.

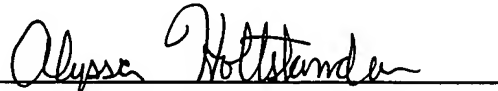
Please grant any extensions of time required to enter this response and charge  
any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: April 29, 2009

By:

A handwritten signature in cursive script, appearing to read "Alyssa J. Holtslander", written over a horizontal line.

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